IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1292 OF 2005

Azizuddin Shaikh @ Abdul Sattar @
Umer bin Abdul Aziz @ Bombay Javed
@ Haji Umar @ Raju ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mrs.Farhana Shah for Petitioner.

Mr.K.V.Saste, A.P.P. for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 5, 2005.

P.C.

1. Learned A.P.P. rightly submits that the Petitioner, in the first place, ought to have preferred Application before the competent Authority for relief of parole leave, if permissible in law.

2. As the event for which the Petitioner seeks parole leave is scheduled on 20th May 2005,

the competent Authority (Divisional Commissioner) will treat this Petition as Application for parole leave and dispose of the same on or before 16th May 2005.

3. Learned A.P.P. undertakes to inform the concerned competent Authority to ensure compliance of this order.

4. It is made clear that this direction is not an expression of opinion that the Petitioner is entitled for parole leave, although convict in respect of offence punishable under MOCA. That question will have to be addressed by the competent Authority.

5. If the competent Authority fails to decide the application for parole leave on or before 16th May 2005, it will be open to the Petitioner to apply to this Court for such further relief, as may be advised.

6. Application disposed of on the above terms.

A.M.KHANWILKAR, J.